

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of April 21, 2005.

Reconsideration of the Application is requested.

### **Status of the Claims**

Claims 1-48, 50-52, 54, 55 and 57-60 remain in this application.

Claims 49, 53 and 56 have been canceled.

### **The Office Action**

#### **The Double Patenting Rejection**

In the Office Action dated April 21, 2005, claims 16-22, 24-27, 33-35, and 42-49 were provisionally rejected under 35 U.S.C. §101 for statutory type double patenting over claims 15-23, 25, 26, 32-34, and 41-48 of copending Application Serial No. 10/340,691.

Claims 1-13, 15, 28, 36, 37, 41, and 50-52 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 1-14, 27, 35, 36, 39, and 49-51 of copending Application Serial No. 10/340,691.

The copending application will be abandoned. Thus, it is requested that the double patenting rejections be withdrawn. No terminal disclaimer is necessary for those claims rejected under the doctrine of obviousness-type double patenting.

#### **35 U.S.C. § 102 Rejections**

Claims 1-3, 5, 6, 11, 12, 14-16, 17, 19, 21, 25, 27, 33, 36, 37, 42-44, 48, 50, and 54 stand rejected under 35 U.S. C. §102(b) as being anticipated by EPO 0477 588 to Prudenziati (hereinafter Prudenziati).

Claims 57 and 58 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,243,912 to Grey.

Claims 20 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Prudenziati in view of U.S. Patent No. 4,665,582 to Richmond, et al.

Claims 22, 23, 34, and 38 were rejected under 35 U.S.C. §103(a) as being as being unpatentable over Prudenziati in view of U.S. Patent No. 6,629,332 to Morgan, et al.

Claims 29-32, 39, 40, 53, 55, 56, 59, and 60 were objected to as being dependent on a rejected base claim, but are considered to be allowable if rewritten in independent form.

For the reasons outlined below, it is submitted that the claims are in condition for allowance.

**Prudenziati** discloses a mop or broom which includes an operating head **1** which is joined to a maneuvering shaft **3** (FIG. 3). The head includes a tubular space **2A** shaped to receive a curved end **13** of the maneuvering shaft. The lower end of the tubular space **2A** ends in a suction hole **15A**. The shaft **3** is movable, relative to the head, to the position shown in FIGURE 4. Steam is delivered from a generator **23** in the head to the floor via a distributor **33** (FIG. 3). Dirty water is deposited in a container **35** (FIG. 8). A removable cloth holding device can be applied to the head (FIGS. 6-7). The cloth is mounted to a cloth holder support **53** which is mounted to the head **1** by clips **49** and projections **45**.

**Grey** discloses a floor cleaning apparatus with two operating modes. In a wet mode (FIG 1.), a wet mode separator **60** is fitted in the device. In a dry mode (FIG. 2), a dry mode separator **70** replaces the wet mode separator.

**Richmond** discloses a battery powered suction broom with a nozzle assembly **400** which is pivotally mounted to a frame **100**. There are no spray nozzles in the device of Richmond.

**Morgan** discloses a floor cleaning device with a recovery tank. A flexible hose **536** provides a working air conduit.

**Claim 1** has been amended to incorporate the subject matter of claim 4, against which no rejections based on the art were made.

The references cited make no suggestion of a suction nozzle which is movable between a floor suctioning position, in which the suction nozzle is positioned adjacent the floor surface to be cleaned and a retracted position, in which the suction nozzle is positioned away from the floor surface. Prudenziati discloses a mop or broom which includes an operating head **1** which is joined to a maneuvering shaft **3** (FIG. 3). The head includes a tubular space **2A** shaped to receive a curved end **13** of the maneuvering shaft. The lower end of the tubular space **2A** ends in a suction hole **15A**. The shaft is movable, relative to the head, to the position shown in FIGURE 4. However, neither the shaft nor the

suction hole of Prudenziati moves between a position in which the element is positioned adjacent the floor surface and a retracted position away from the floor.

The double patenting rejections having been attended to it is submitted that claim 1 and dependent claims 2-3, 5, 7, 11-12, 14, 15, 18, 29 are now in condition for allowance.

**Claim 6** has been rewritten in independent form to include the subject matter of claim 1 and dependent claim 7. No rejections were made of claim 7 based on the art. Claim 6 now recites a switch which is movable between a first position, for selectively actuating the source of suction, and a second position. When the switch is in the second position, the flow of working air is stopped and the liquid delivery system is actuated. Such a switch is not disclosed or suggested by Prudenziati or the other references of record.

The double patenting rejections having been attended to. It is submitted that claim 6 and dependent claims 4, 8-9, 37, 38, 39 are now in condition for allowance.

**Claim 10** has been rewritten in independent form to include the subject matter of claim 1. No rejections were made of claim 10 based on the art. Claim 10 now recites a cleaning device with a multiple axis joint which interconnects a cleaning head and a handle assembly. Such a multiple axis joint is not disclosed or suggested by Prudenziati or the other references of record.

The double patenting rejections having been attended to, it is submitted that claim 10 is now in condition for allowance.

**Claim 13**, which was considered to be allowable, has been rewritten in independent form. Accordingly, it is submitted that claim 13 is now in condition for allowance.

**Claim 16** has been amended to incorporate subject matter of claim 29, which was considered to be allowable if rewritten in independent form. Claim 16 now recites a spray nozzle mounted to a suction nozzle which, in turn, is carried by a cleaning head.

The Examiner likens the curved end **13** of the shaft **3** of Prudenziati to a suction nozzle. However, there is no spray nozzle mounted to this shaft. Rather, Prudenziati's distributor **33** is located on the underside of the operating head **1** (FIG. 3).

Accordingly, it is submitted that claim 16, and claims 19-28, 30-35 dependent therefrom, are now in condition for allowance.

**Claim 17** has been amended to incorporate subject matter of claims 16 and 18. No art rejections were made of claim 18. Claim 17 now recites a conduit extending between a

suction nozzle and a dirt collecting receptacle comprising a flexible hose. The cited references make no suggestion of a flexible conduit.

The double patenting rejections having been attended to, it is submitted that claim 17 is now in condition for allowance.

**Claim 36** has been amended to incorporate subject matter of allowable claim 39. Accordingly, it is submitted that claim 36 and dependent claims 40 and 41 are now in condition for allowance.

**Claim 42** has been amended to recite a switch having a first position and a second position. The liquid delivery system is inoperative while the switch is in the first position and operated while the switch is in the second position. The Examiner cited no prior art rejections against dependent claim 45. Prudenziati makes no suggestion of a switch with two positions as claimed. Such a switch allows an operator to avoid liquid being accidentally sprayed when the suction is in operation.

The double patenting rejections having been attended to it is submitted that claim 42 and dependent claims 43-47, are now in condition for allowance.

**Claim 48** has been amended to incorporate the subject matter of claim 49, against which no prior art rejections were raised.

The double patenting rejections having been attended to, it is submitted that claim 48 is now in condition for allowance.

**Claim 50** has been amended to incorporate subject matter of claim 53, which was considered to be allowable. Accordingly, it is submitted that claim 50 and claims 51-52 dependent therefrom, are now in condition for allowance.

**Claim 54** has been amended to incorporate subject matter of claim 56, which was considered to be allowable. Accordingly, it is submitted that claim 54 and dependent claim 55 are now in condition for allowance.

**Claim 57** recites a cleaning device which includes a dirt collection assembly in fluid communication with a suction nozzle. The dirt collection assembly includes a dirt cup configured for collecting a first portion of the dirt, a baffle received within the dirt cup and defining a dirt receiving region configured for collecting a second portion of the dirt, and a filter received within the dirt cup. Working air draws dirt from the suction nozzle into said dirt collection assembly such that a first portion of the dirt is collected in the dirt cup, a second portion of the dirt is collected in the baffle receiving region, and a remaining portion

of the dirt is removed by the filter.

The Grey patent does not disclose such a cleaning device. The device of Grey can be configured in two different modes, a wet mode (FIG. 1) and a dry mode (FIG. 2). In the wet mode, a separator **60** including an inner compartment **45** with a baffle **66** is inserted in the device. The separator is removed and replaced with a dry mode separator **70** with a filter element **71** for dry pick up. Thus, filter **71** is not present in the Grey device when the inner compartment **45** and baffle **66** are present. Thus when dirt is drawn into the device by working air, there are not three portions of the dirt drawn into the device collected by a dirt cup, a baffle receiving region, and a filter, respectively.

Accordingly, it is submitted that claim 57 and dependent claims 58-60 are patentable over the Grey reference.

### **CONCLUSION**

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-48, 50-52, 54, 55 and 57-60) are now in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 861-5582.

Respectfully submitted,

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